

**UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS**

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FRED ROHRBACKER,	)	
Plaintiff	)	
V.	)	Civil Action
MODERN CONTINENTAL	)	
COMPANIES, INC.,	)	
HARBOR CRUISES, LLC,	)	
BOSTON HARBOR CRUISES, A JOINT	)	
VENTURE,	)	
PROVINCETOWN PUBLIC PIER	)	
CORPORATION, and	)	
PROVINCETOWN-MACMILLAN	)	
REALTY TRUST,	)	
Defendants	)	
	)	

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**JOINT SCHEDULING STATEMENT**

Now come the parties in the above captioned matter and respectfully submit this proposed joint scheduling statement.

**I. Discovery plan**

- A. all factual depositions to be completed by 6/30/06.
- B. Plaintiff's expert reports and expert designations to be filed by 7/31/06.
- C. Defendant's expert reports and expert designations to be filed by 8/31/06.
- D. Completion of expert depositions by 10/31/06.
- E. Final Pretrial Conference some date after 11/30/06.

**II. Motion schedule**

- A. Motions to amend the pleadings, to add parties, or to set forth additional claims to be filed by 1/31/06.
- B. All dispositive motions to be filed by 8/15/06.

A certification signed by the Plaintiff and his counsel is attached. Certifications signed by the Defendants and their counsel will be filed.

Respectfully submitted for the  
the Plaintiff, Fred Rohrbacker,  
by his attorney,

/s/ David J. Berg, Esq.  
David J. Berg, Esq.  
Latti & Anderson LLP  
30-31 Union Wharf  
Boston, MA 02109  
(617) 523-1000

Respectfully submitted for the Defendant,  
Harbor Cruises, LLC, by its attorney,

/s/ Edward B. McGrath, Esq.  
Edward B. McGrath, Esq.  
Burns & Farrey  
150 Federal Street, 26th Floor  
Boston, MA 02110  
617-439-4758

Respectfully submitted for the Defendants,  
Modern Continental Construction  
Companies, Inc., Harbor Cruises, LLC, and  
Boston Harbor Cruises, a joint venture,  
by their attorneys,

/s/ Jeanne O. McHugh, Esq.  
Jeanne O. McHugh, Esq.  
Kenner, Engelberg, Bratcher & Whalen  
60 State St., Suite 600  
Boston, MA 02109-1823  
617-371-4141

Respectfully submitted for the Defendant,  
Provincetown Public Pier Corporation,  
by its attorney,

/s/ John J. Davis, Esq.  
John J. Davis, Esq.  
David C. Hunter, Esq.  
Pierce, Davis & Perritano, LLP  
10 Winthrop Square  
Boston, MA 02110  
617-350-0950

Respectfully submitted for the Defendant,  
Provincetown-MacMillen Realty Trust,  
by its attorney,

/s/ Kevin T. Smith, Esq.  
Kevin T. Smith, Esq.  
Masterman, Culbert & Tully LLP  
One Lewis Wharf  
Boston, MA 02110  
617-227-8010

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the within document with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/ David J. Berg, Esq.  
David J. Berg, Esq.  
Latti & Anderson LLP  
30-31 Union Wharf  
Boston, MA 02109  
617-523-1000

Dated: November 23, 2005

UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
FRED ROHRBACKER, )  
Plaintiff )  
                        )  
                        ) Civil Action  
V.                     )  
                        ) No. 05-11562-RGS  
MODERN CONTINENTAL )  
COMPANIES, INC.,     )  
HARBOR CRUISES, LLC, )  
BOSTON HARBOR CRUISES, A JOINT )  
VENTURE,              )  
PROvincetown PUBLIC PIER )  
CORPORATION, and    )  
PROvincetown-MACMILLAN )  
REALTY TRUST,        )  
Defendants            )  
                        )  
\_\_\_\_\_

AFFIDAVIT

I, Fred Rohrbacker, hereby depose and state as follows:

1. I have discussed with my attorneys the probable budget for the costs of conducting the full course - and various alternative courses - of the litigation.
2. I have discussed with my attorneys potential resolution of the litigation through the use of alternative dispute resolution programs.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY  
THIS 3rd DAY OF November, 2005.

  
Fred Rohrbacker

  
David J. Berg